

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

ROMAN ARAGON, *et al.*,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

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69cv07941 JEC-ACE

CLERK-SANTA FE

RIO CHAMA STREAM SYSTEM
Rio Nutrias, Section 3

WAIVER OF SERVICE OF SUMMONS

To: Edward G. Newville
State Engineer Office
P.O. Box 25101
Santa Fe, NM 87504-5102

I acknowledge receipt of your request that I waive service of a summons in the action of State of New Mexico *ex rel.* State Engineer v. Aragon, which is case number CV 7941-JC in the United States District Court for the District of New Mexico. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the adjudication suit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon the State by December 28, 2001. I understand that the time allowed within which I must answer the complaint was extended pursuant to an order of the court dated August 3, 2001.

Signature

DONALD THOMAS
MARTINEZ

Printed or typed name

Address

PO Box 187 Los Ojos, NM 87551

Date

10-08-01

RECEIVED

OCT 12 2001

OFFICE OF THE STATE ENGINEER
LEGAL SERVICES DIVISION

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